

LOG NUMBERS

BGT.

, 5/2/14 CEO 2005226711

may 8 2014

**EXECUTIVE/COUNCIL APPROVAL FORM****MANAGEMENT ROUTING:**

EXECUTIVE John Lovick  
 EXEC. DIR. Lenda Crawford  
 DIRECTOR/ELECTED Steven E. Thomsen *ST*  
 DEPARTMENT Public Works *ST*  
 DIRECTOR Bobann Fogard, P.E. *BF*  
 DIVISION TES  
 ORIGINATOR Jan Newman *JN*  
 DATE 4/29/14 EXT. 2290

**TO: COUNCIL CHAIRPERSON:****SNOHOMISH COUNTY COUNCIL****EXECUTIVE RECOMMENDATION:**

☒ Approve ☐ No Recommendation  
☐ Further Processing  
☐ Requested By \_\_\_\_\_

Executive Office Signature

CEO Staff

Review

Received at Council Office

*Lenda M Crawford*

5/7/14

*cep*

5/5/14

10:40 5/7/14

**DOCUMENT TYPE:**

BUDGET ACTION:

☐ Emergency Appropriation  
☐ Supplemental Appropriation  
☐ Budget Transfer

GRANT APPLICATION

☒ ORDINANCE

Amendment to Ord. # \_\_\_\_\_

PLAN

CONTRACT:

☐ New  
☐ Amendment

OTHER

**DOCUMENT / AGENDA TITLE:**

Vacation of unopened right-of-way of 99th Avenue NE that abuts petitioner's property lying within the NW ¼ of Section 30, Township 31 North, Range 6 East, WM.

**APPROVAL AUTHORITY:**

EXECUTIVE

COUNCIL

☒

CITE BASIS

**RCW 36.87; SCC13.100****HANDLING:**

NORMAL

☒

EXPEDITE

URGENT

DEADLINE DATE

**PURPOSE:**

Set public hearing time and date, to hear and act on the Department of Public Works (DPW) recommendation to grant a vacation of road right-of-way.

**BACKGROUND:**

- A petition was received from Ruth Klein & Colin Klein on February 5, 2014, to vacate an unopened, deeded county road right-of-way (ROW) for a portion of 99th Avenue NE that abuts petitioner's property.
- The subject ROW was deeded to the county in 1912 by the Hartford Shingle company as the west 20 feet of Government Lots 1, 2, 3, and 4, of Section 30, Township 31 North, Range 6 East, WM. The ROW has never been developed or used as a public road.
- The ROW is classified as "B" under SCC13.100.040 (7) (b) "road and/or right-of-way which the county has a fee simple interest and no public expenditures were made".
- The ROW does not abut a body of saltwater or freshwater.
- No utilities are located, or currently planned for construction, within the ROW.

- DPW has determined it is not advisable to preserve the subject ROW for the county transportation system of the future, as other developed county roads and private easements serve as access to all abutting lots.
- DPW received no responses objecting to vacation of the subject ROW.
- Prior to recording of the Ordinance, verification must be provided to the County Council that the value of the ROW and administrative expenses have been paid.
- Failure to make payment of the compensation required under this section within one year of the date the ordinance is adopted by council means the ordinance shall not be recorded and the road and/or ROW shall not be considered vacated as per SCC13.100.080(4). At that time, the ordinance shall be considered void.

**FISCAL IMPLICATIONS:**

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
10250610471011(Administrative Cost Estimate)	\$2500.00	\$	\$2500.00
10250610474401(Advertising Estimate)	\$300.00		\$300.00
TOTAL	\$2800.00		\$2800.00

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
1023064446990	\$2800.00	\$	\$2800.00
1023064449510(Compensation for County's Interest in ROW)			\$ 9.74
TOTAL	\$2800.00	\$	\$2809.74

**DEPARTMENT FISCAL IMPACT NOTES:**

Should the County Council approve DPW's recommendation to vacate, the public will benefit by the vacation of the ROW based on the fact that the ROW is useless for county road purposes. All associated costs incurred in processing the petition to vacate will be paid to the county by the petitioner.

BUDGET REVIEW: DM Analyst DM Administrator Rob Recommend Approval C

**CONTRACT INFORMATION:**

ORIGINAL \_\_\_\_\_ CONTRACT # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_  
 AMENDMENT \_\_\_\_\_ CONTRACT # \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_

**CONTRACT PERIOD:**

ORIGINAL Start \_\_\_\_\_ End \_\_\_\_\_  
 AMENDMENT Start \_\_\_\_\_ End \_\_\_\_\_

**CONTRACT / PROJECT TITLE:****CONTRACTOR NAME & ADDRESS (City/State only):****APPROVED:**

RISK MANAGEMENT Yes N/A No \_\_\_\_\_

**COMMENTS**

PROSECUTING ATTY - AS TO FORM: Yes X No \_\_\_\_\_

**OTHER DEPARTMENTAL REVIEW / COMMENTS:****ELECTRONIC ATTACHMENTS:** (List & include path & filename for each, e.g. G:\ECAF\Dept\06\_pw\Roads\docname\_Motion)

Council 2005-2267 - ECAF.docx  
 G:\ECAF\Dept\06\_pw\Roads\ROW Vacation of 99<sup>th</sup> Ave NE ENGINEERS REPORT.docx  
 G:\ECAF\Dept\06\_pw\Roads\ROW Vacation of 99<sup>th</sup> Ave NE NOTICE OF ORDINANCE.docx  
 G:\ECAF\Dept\06\_pw\Roads\ROW Vacation of 99<sup>th</sup> Ave NE ORDINANCE.docx  
 G:\ECAF\Dept\06\_pw\Roads\ROW Vacation of 99<sup>th</sup> Ave NE EXHIBITS A&B.pdf  
 G:\ECAF\Dept\06\_pw\Roads\ROW Vacation of 99<sup>th</sup> Ave NE ASSESSORS MAP.pdf

**NON-ELECTRONIC ATTACHMENTS:**

1. Engineer's Report 2. Notice of Introduction of Ordinance 3. Ordinance 4. Exhibit A & B 5. Assessor's map 6. Aerial map

After Recording Return To:  
Clerk of the Council  
Snohomish County Council  
3000 Rockefeller Avenue-M/S 609  
Everett, WA 98201

In the matter of:

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ORDINANCE NO. 14-\_\_\_\_\_

AN ORDINANCE VACATING A PORTION OF 99<sup>th</sup> Avenue NE  
A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY

WHEREAS, on February 5, 2014, Ruth Klein and Colin Klein (Petitioners), submitted a petition, pursuant to RCW 36.87.020 and SCC 13.100.030, to vacate and abandon a portion of unopened 99<sup>th</sup> Avenue NE, a Snohomish County (County) deeded road right-of-way that abuts their property and is more particularly described and depicted on Exhibits A and B to this ordinance; and

WHEREAS, the County Road Engineer (County Engineer), pursuant to RCW 36.87.040 and SCC 13.100.040, prepared a report examining the road right-of-way petitioned to be vacated and abandoned; and

WHEREAS, the County Engineer has determined that all criteria to vacate and abandon the portion of 99<sup>th</sup> Avenue NE that is the subject of the petition are satisfied and recommends that said County road right-of-way be vacated and abandoned; and

WHEREAS, on \_\_\_\_\_, 2014, pursuant to RCW 36.87.060 and SCC 13.100.060, the Snohomish County Council (County Council) held a public hearing to consider the County Engineer's Report and to hear public testimony.

NOW, THEREFORE, BE IT ORDAINED:

**Section 1.** The County Council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.

**Section 2.** The County road right-of-way described in Exhibit A and depicted in Exhibit B, both attached to this ordinance and incorporated herein by reference, is useless for County road purposes and the public will be benefitted by its vacation.

**Section 3.** The County road right-of-way described in Exhibit A is vacated upon the terms and conditions contained in this ordinance.

**Section 4.** The Petitioners, pursuant to RCW 36.87.120 and SCC 13.100.080, shall make full payment of the expenses of the proceeding under SCC 13.100.070 and the compensation required under SCC 13.100.080, as described in the County Engineer's Report, within one year of the date this ordinance is adopted by the County Council. The County road right-of-way, as described in the County Engineer's Report recommending vacation, is classified as Class B under SCC 13.100.040(7)(b) and requires compensation from Petitioners of fifty percent (50%) of the appraised value, as provided in SCC 13.100.080(2)(b).

**Section 5.** Pursuant to RCW 36.87.020 and SCC 13.100.070, the vacation of the County road right-of-way granted herein shall not take effect until a certification by the Snohomish County Department of Public Works has been filed with the Clerk of the County Council stating that full payment of the expenses of the proceeding under SCC 13.100.070 and the compensation required under SCC 13.100.080 has been made.

**Section 6.** Upon receiving timely payment from the Petitioners as required by chapter 13.100 SCC, this ordinance shall be recorded and become effective, and the road right-of-way vacated. If Petitioners do not make timely payment within one year of the date this ordinance is adopted by the County Council, the authorization granted herein for vacation of the road right-of-way shall automatically expire and this ordinance may not be recorded.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2014

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Asst. Clerk of the Council

- ☐ Approved
- ☐ Emergency
- ☐ Vetoed

\_\_\_\_\_  
County Executive

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
APPROVED AS TO FORM:

 4/8/14  
\_\_\_\_\_  
Deputy Prosecuting Attorney

**EXHIBIT A: RIGHT-OF-WAY VACATION DESCRIPTION**

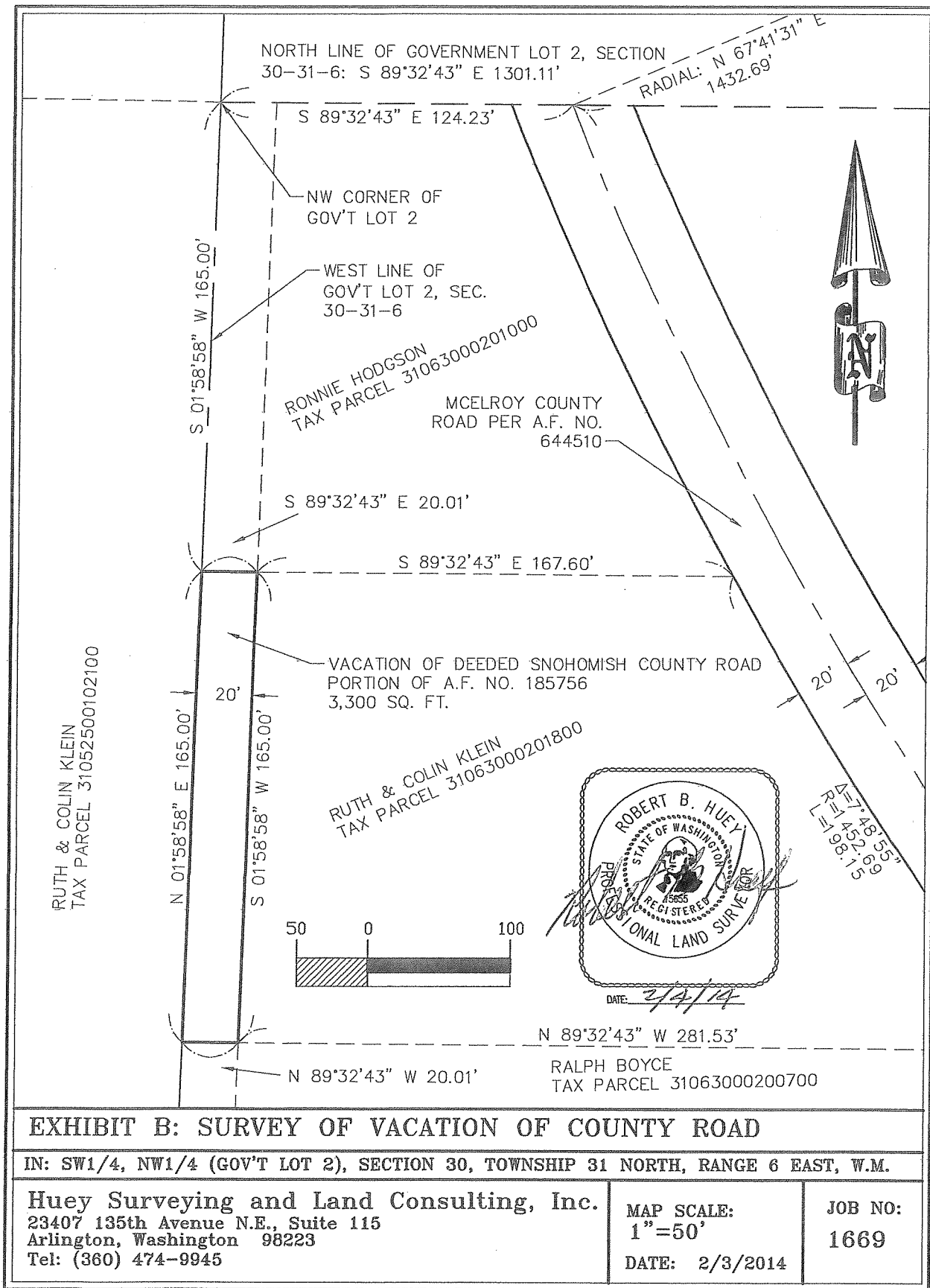
THE WEST 20 FEET OF THE FOLLOWING DESCRIBED PARCEL:  
COMMENCING AT THE NORTHWEST CORNER OF  
GOVERNMENT LOT 2, SECTION 30, TOWNSHIP 31 NORTH, RANGE 6  
EAST, W.M.; THENCE SOUTH ALONG THE WEST LINE OF  
GOVERNMENT LOT 2, A DISTANCE OF 165 FEET TO THE TRUE POINT  
OF BEGINNING; THENCE SOUTH ALONG SAID WEST LINE FOR 165  
FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID  
GOVERNMENT LOT 2 TO THE EAST LINE THEREOF; THENCE NORTH  
ALONG SAID EAST LINE FOR 165 FEET; THENCE WEST PARALLEL  
WITH SAID NORTH LINE TO THE TRUE POINT OF BEGINNING.

CONTAINING 3,300 SQUARE FEET.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF  
WASHINGTON.



# EXHIBIT B: MAP DEPICTING RIGHT-OF-WAY AREA





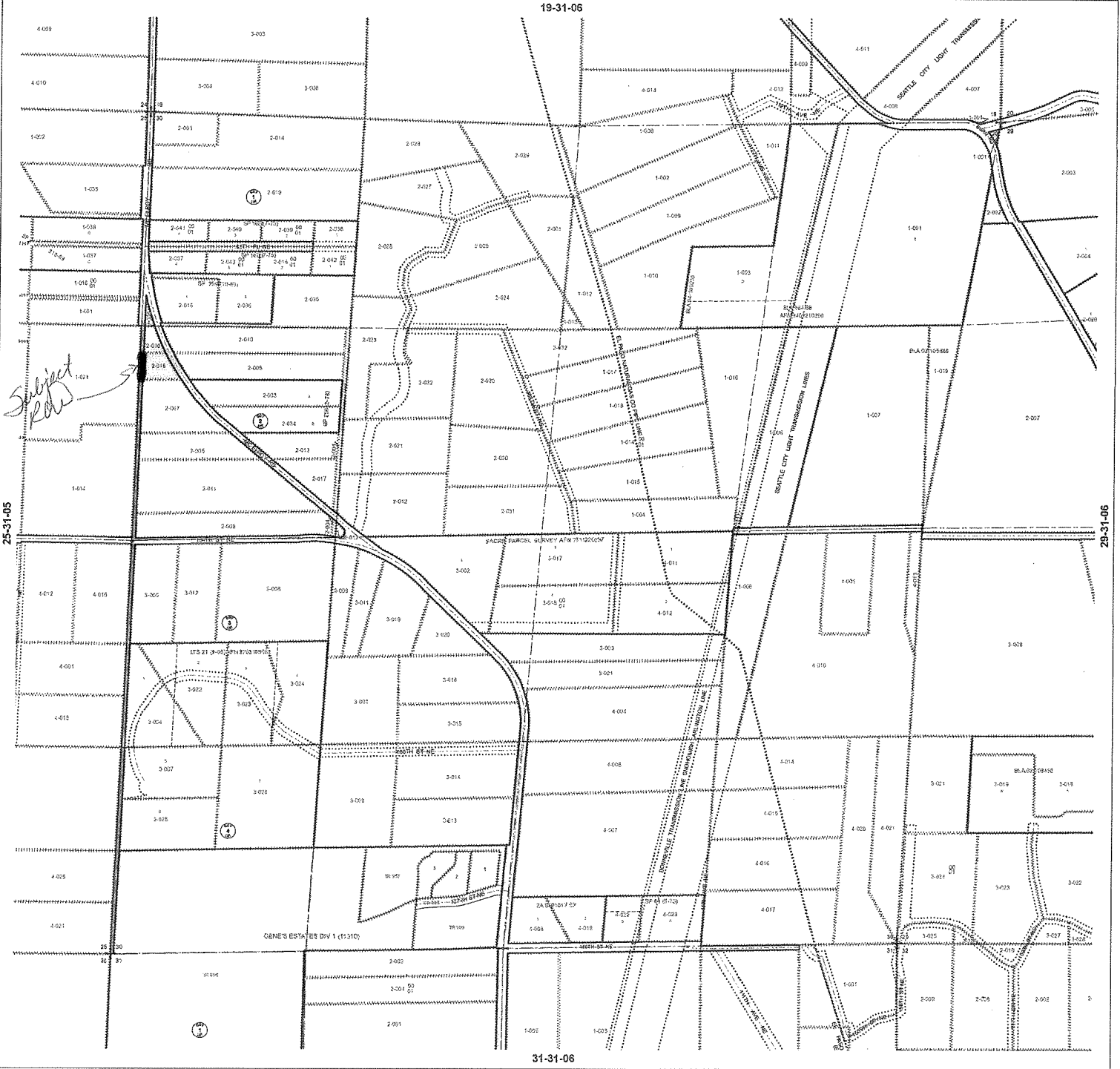
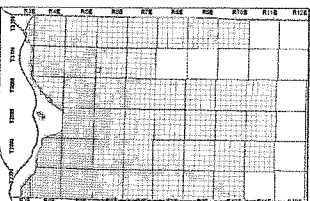
QUARTER	SECTION	TOWNSHIP N.W.B.L.	RANGE E.W.M.
<b>ALL</b>	<b>30</b>	<b>31</b>	<b>6</b>
Centerline	Lot	Block	Section
Gov Lot	Subdiv	ROW	Quarter
Major Water	Other Lot	Vac ROW	16th
Minor Water	Other Subdiv	Vac Lot	Easement

ALL DATA, DATA, AND INFORMATION ARE FOR INFORMATIONAL PURPOSES ONLY. THE ASSessor'S OFFICE DOES NOT GUARANTEE THE ACCURACY OF THE DATA. THE ASSessor'S OFFICE DOES NOT GUARANTEE THE ACCURACY OF THE DATA. THE ASSessor'S OFFICE DOES NOT GUARANTEE THE ACCURACY OF THE DATA.

1 inch = 400 feet

Map produced on April 25, 2013

A product of the Assessor's Office  
Shulohoth County, Washington



## ENGINEER'S REPORT

### VACATION OF A PORTION OF UNOPENED COUNTY ROAD RIGHT-OF-WAY FOR 99<sup>th</sup> Avenue NE

Vacation Petition Request #058-14 for the vacation of an unopened portion of Snohomish County ("County") road right-of-way ("the ROW") for 99<sup>th</sup> Avenue NE has been received by the Snohomish County Department of Public Works ("DPW"). The County Engineer, having reviewed and considered the petition, has determined that the petition and vacation requirements have been met and has prepared an ordinance to vacate the ROW. In support of the ordinance, the County Engineer makes the following findings and recommendations:

#### FINDINGS

1. On February 5, 2014, Ruth Klein and Colin Klein ("Petitioners"), submitted Vacation Petition Request #058-14 to vacate the ROW that abuts their real property known as tax parcel number 31063000201800. The real property is located within the Northwest ¼ of Section 30, Township 31 North, Range 6 East, W.M. The ROW is more particularly described on Exhibit A and depicted on Exhibit B, both attached hereto and incorporated by reference. The proposed ROW to be vacated is 20 feet wide on the west side of Petitioners' real property. The ROW area to be vacated consists of approximately 3300 square feet and is located in Snohomish County, Washington.
2. The ROW was deeded to the County in 1912 by the Hartford Shingle Company as the west 20 feet of Government Lots 1, 2, 3, and 4 of Section 30, Township 31 North, Range 6 East.
3. The ROW has never been developed or used as a public road.
4. It is not advisable to preserve any portion of the ROW for the County transportation system of the future as other developed county roads serve as access to all abutting lots
5. Based on the 20 foot wide ROW being impractical for the County to open and/or improve as a public road and it bisects the current ownership of the Petitioners, the public will be benefited by its vacation and abandonment.
6. The ROW is classified as Class B under SCC 13.100.040(7)(b) "roads and/or right of way in which the county has a fee simple interest and no public expenditures were made."
7. Compensation for the ROW shall be fifty percent (50%) of the appraised value pursuant to SCC 13.100.080(2)(b) and the compensation determined for the vacated ROW as per 13.100.085 is \$9.74.
8. The ROW does not abut a body of saltwater or freshwater.
9. No utilities are located or currently planned for construction within the ROW.
10. DPW received no responses objecting to vacation of the subject ROW.

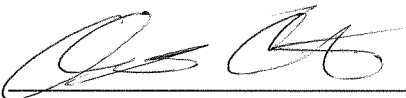
11. All associated expenses of the proceeding incurred by the County in processing the petition to vacate shall be paid by Petitioner as per SCC 13.100.070 and SCC 13.100.080. These expenses are estimated as follows:

DPW Administrative Charges	\$ 2500.00
Compensation for County's interest in ROW	\$ 545.45
Advertising Cost for Ordinance Notice	\$ 300.00
Recording Fee	<u>\$ 80.00</u>
Total Estimated Cost	\$ 3425.45
Application Credit Fee (\$500)	< 500.00>
Balance Due	\$ 2925.45

12. Under SCC 13.100.080(4), Petitioner's failure to pay the expenses of the proceeding and any compensation required under SCC 13.100.070 and SCC 13.100.080(2)(b) within one year of the date the ordinance is adopted by the County Council will result in the ordinance not being recorded and the ROW not being vacated.

#### RECOMMENDATION

Based on the foregoing findings, DPW recommends that Vacation Petition Request #058-14 for the vacation of ROW for a portion of 99<sup>th</sup> Avenue NE described on the attached Exhibit A and depicted on Exhibit B is in the best interest of the general public and should be granted, provided that the Petitioner pays to the Snohomish County Road Fund the costs reported in Finding No. 11, as is required by SCC 13.100.070 and 13.100.080. Any adjustment to the estimated costs due reported in Finding No. 11 will be reconciled after all account records are final.



Owen B. Carter, P.E.

County Engineer

Date: 4/28/14



Prepared by: Jan A. Newman

ROW Investigator III

Date: 4/28/14



